

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

REPAIRING STANDARD ENFORCEMENT ORDER

Ordered by the Tribunal

RE: All and Whole the dwelling house known as 7 Glenacre Drive, Airdrie ML6 8BS registered in the Land Register under title no LAN26930

The Parties:

Jennifer Anderson, 7 Glenacre Drive, Airdrie ML6 8BS ("the Tenant")

Lee Robert McFarlane Johnston, 10 Strone Place, Airdrie and LRJ Properties Ltd, 30 Oakbank Street, Airdrie ML6 8LE ("the Landlord")

Reference number: FTS/HPC/RP/22/3733

NOTICE TO LEE ROBERT MCFARLANE JOHNSTON AND LRJ PROPERTIES LTD

WHEREAS in terms of its decision dated 31 January 2023 the Tribunal determined that the Landlord has failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular that the Landlord has failed to ensure that the House meets the repairing standard in that:

"(a) the house is wind and watertight and in all other respects reasonably fit for human habitation;

(b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order;...

...(d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order...

...(h) the house meets the tolerable standard." (in particular as set out in Section 86 (1) of the Housing (Scotland) Act 1987:

"...(j) has satisfactory equipment installed for detecting, and for giving warning of, fire or suspected fire:

(k) *has satisfactory equipment installed for detecting, and for giving warning of, carbon monoxide present in a concentration hazardous to health*")

The Tribunal now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the House meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular, the Tribunal requires the Landlord:

1 To carry out works so that the interior of the House is rendered reasonably free of penetrating dampness. Particular attention should be given to the rear bedroom on the first floor and the converted attic bedroom at the chimney breast.

2 To carry out repairs such that water does not leak from the bathroom to the kitchen below.

3 To provide a report from a suitably qualified electrician that the smoke and heat detectors fitted are interlinked and functioning correctly, and there are sufficient smoke alarms as required by the *Scottish Government Guidance for Private Landlords on Satisfactory Provision for Detecting and Warning of Fires*.

4 To carry out decorative remedial works after completing any repairs.

The Tribunal orders that the works specified in this Order must be carried out and completed within 31 days from the date of service of this Notice.

A landlord, tenant or third party applicant aggrieved by the decision of the Tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

IN WITNESS WHEREOF these presents typewritten on this and the two preceding pages are signed by John Miller McHugh, Chairperson of the Tribunal at Edinburgh on the third day of February Two Thousand and Twenty Three in the presence of the undernoted witness:

Chairperson

Witness

FINDLAY CAOPES